

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

COMMUNITY HEALTH GROUP, DALE K.)	
RAMSEY, THOMAS J. LANGENBERG,)	
and MICHAEL KERR,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 05-1143-CV-W-FJG
)	
SHIRLEY J. SMALLEY,)	
)	
Defendant.)	

ORDER

On November 16, 2005, the Court held a teleconference with plaintiff's counsel regarding his request for an ex parte temporary restraining order. After reviewing the pleadings and hearing argument from counsel, the Court finds that there is no need to issue a temporary restraining order on an ex parte basis. As the Court in Zidon v. Pickrell, 338 F.Supp.2d 1093, 1094-95 (D.N.D. 2004), noted:

[i]t is well-established under federal law that a temporary restraining order is an emergency remedy which should only be issued in exceptional circumstances. The United States Supreme Court has recognized that a temporary restraining order is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion. . . . It is only on rare occasions that an ex parte temporary restraining order is proper and then such orders should be limited to preserving the status quo only for so long as is necessary to hold a hearing.

The Court does not find that the circumstances of this case are so exceptional as to merit the issuance of an ex parte temporary restraining order. Accordingly, plaintiffs'

Motion for an Ex Parte Temporary Restraining Order is hereby **DENIED**.

Date: November 17, 2005
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge